

# **Exhibit B**

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1 UNITED STATES DISTRICT COURT  
1 SOUTHERN DISTRICT OF NEW YORK

2 -----x

2  
3 MONIQUE DA SILVA MOORE, et  
3 al.,

4 Plaintiffs, New York, N.Y.

5 v. 11 Civ. 1279 (RJS)

6 PUBLICIS GROUPE, and MSL  
7 GROUP,

8 Defendants.

8  
9 -----x

10 December 14, 2012  
10 11:05 a.m.

11 Before:

12 HON. ANDREW J. PECK,

13 U.S. Magistrate Judge

14 APPEARANCES

15 SANFORD WITTELS & HEISLER  
16 Attorneys for Plaintiffs  
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17 SUSAN RUBENSTEIN  
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1 then the interpretation issues you said, well, we'll figure  
2 that out after the 30(b)(6) depositions. Now when I say,  
3 great, let's put teeth on that, I get a letter that says you  
4 want everything and a pony and a zoo now.

5 So you are wasting my time. I'm not happy. And the  
6 answer is going to be if you want merits discovery, you can  
7 have merits discovery limited to the issue of class  
8 certification, not every individual who was ever promoted or  
9 anything like that. And we'll go back to the predictive coding  
10 world, and there will be no additional discovery at the end of  
11 it, period.

12 Is that what you want?

13 MR. HENDERSON: Your Honor, may I respond?

14 THE COURT: Yes.

15 MR. HENDERSON: I think there is a fundamental issue  
16 that hasn't been -- well, the difficulty, the fundamental  
17 difficulty is what one says is appropriate merits class  
18 discovery.

19 THE COURT: I guess you changed your mind on that  
20 between the 7th and the 14th.

21 MR. HENDERSON: Actually not, your Honor. But let me  
22 explain first, and then I can address whatever differences  
23 there are.

24 THE COURT: OK. First, stop. One thing. The only  
25 trial counsel will be the three of you who are here. Is that

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1 what you are telling me? Because I'm tired of the changing  
2 cast of characters, the changing position. So if Ms. Wippel  
3 wants to be trial counsel instead of pulling the strings from  
4 California, if that's what's going on, then we can come here.  
5 Otherwise, I don't want anything submitted from her. I don't  
6 want her to be here at trial if the case gets that far or I do  
7 want her here.

8 But I have the feeling that between the departure of  
9 your former named partner, I don't know what's going on, but  
10 things keep changing, and enough is enough.

11 So are the two of you the only partner level -- and  
12 I'm not even sure you are partners from your cards, I don't  
13 really care -- are you two the ones who are going try the case  
14 with Ms. Nurhussein, and that's it? Yes or no.

15 MR. HENDERSON: Yes. We may be joined by some others,  
16 but we are going to be lead counsel.

17 THE COURT: OK. And Ms. Wippel, who I would assume is  
18 senior to you, is not going to be here at trial or she is?

19 MR. HENDERSON: At this point we do not contemplate  
20 that she would be. It's Wipper.

21 THE COURT: Wipper. Sorry. It's been a while.

22 OK. Her pro hac vice is therefore ended. No more  
23 papers from her, no more ghost writing. You two are in charge.  
24 Write it.

25 OK. Now that we have taken care of that, now you tell  
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